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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE FIRST PART* OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 5 March 1990, at 3 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

later: Mrs. REGAZZOLI (Argentina)

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* The summary record of the second part of the meeting appears as document E/CN.4/1990/SR.50/Add.1.

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The meeting was called to order at 4.10 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) CO-ORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(agenda item 11) (continued) (E/CN.4/1990/18 and Add.1, 19, 20, 49, 54, 65, 79 and 85; E/CN.4/1990/NGO/2 and 39; A/44/660 and Add.1; E/AC.51/1989/2)

1. Mr. HENNESSY (Observer for Ireland), speaking on behalf of the 12 member States of the European Economic Community, said that the advances which were currently being made in the field of human rights, particularly in Latin America and Western Europe, were so far-reaching that the Commission on Human Rights would be called upon to meet the expectations of millions of people who had previously been unaware that it even existed. It was therefore vital for the Commission to be given the means to discharge that increased responsibility effectively. The Twelve therefore supported the decision taken by the General Assembly at its previous session to request the Economic and Social Council to take steps to extend the membership of the Commission. The General Assembly had also requested the Commission to examine ways of making its work more effective and to submit recommendations in that respect to the Economic and Social Council. The Twelve had followed with great interest the work of the drafting group responsible for preparing a draft resolution on the issue, which should be dealt with as comprehensively as possible.

2. The Twelve were of the opinion that the Commission suffered from a major structural shortcoming in that it had no capacity, outside its annual session, to consider human rights problems which might occur at other times during the year, thus leaving the victims of massive and flagrant human rights violations with no one to turn to. Other groups of countries, it seemed, shared that concern. Even if other bodies, such as the International Labour Organisation, the Economic and Social Council, the Third Committee of the General Assembly or the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its working groups could of course step into that breach, they specialized in particular aspects of human rights or could cover only a limited number of countries or cases. Unlike the Commission, none of those bodies was competent to examine all human rights violations of whatever kind and, more seriously, none of them was seen by the international community as the universal body responsible for protecting human rights. The Twelve had therefore studied various options which might constitute a realistic and generally acceptable solution. For administrative reasons the formula preferred by the Twelve was to give the Bureau of the Commission an intersessional role; however, that suggestion did not appear to command general acceptance.

3. The idea of setting up a "Co-ordinating Unit" of the Commission, comprising the Permanent Representatives in Geneva of the States members of the Commission, might be more acceptable. Such a Unit would meet from time to time outside the sessions of the Commission or when necessary to discuss organizational or procedural issues or specific human rights problems. That formula naturally posed a number of financial or political difficulties: several States members of the Commission had no Permanent Representative in Geneva, and special arrangements would therefore be required; the Commission would also have to be confident that such a special mechanism could in no way be used for political purposes. For that reason, it would be imperative to set up very strict procedures for convening sessions of the "Co-ordinating Unit". The Unit would, at its regular sessions, examine any organizational or procedural issue affecting the sessions of the Commission, and also any urgent human rights problem which might arise. Extraordinary sessions would be convened, at the request of member States, to examine particular situations.

4. It was nevertheless possible for the work of the sessions of the Commission per se to be improved and, generally speaking, for the agenda to be rationalized so as to enable the Commission to respond as effectively and rapidly as possible to the human rights violations which were brought to its attention. The Twelve were convinced that greater financial support should be allocated to human rights activities under the regular budget of the United Nations.

5. It was true to say that the international community would not be impelled further along the path towards universal implementation of all human rights simply by a rationalization of the Commission's working methods. However, immediate steps must be taken to enable the Commission to carry out its mission at all times.

6. Mr. ABRAM (United States of America) said that since the unanimous adoption on 10 December 1948 of the Universal Declaration of Human Rights, it had no longer been possible to contend in good faith that the fate of the individual was not a matter of international concern and accountability. Some parties nevertheless wanted human rights to be reduced to a strictly internal matter not within the purview of the international community; for them, scrutiny of blatant human rights abuses did not fall within the jurisdiction of the Commission, and the sole judge of how a nation discharged its human rights obligations was that nation itself.

7. The various mechanisms developed by the Commission to ensure that the Universal Declaration of Human Rights was effectively applied, and the Commission itself, could not exist without an acknowledgement that all nations must, in pursuance of an internationally recognized standard of conduct, be responsible for protecting and promoting human rights. No State could therefore claim the sovereign right to torture or enslave its own citizens.

8. Concern for the protection of human rights was to be found throughout the Charter of the United Nations, under which all Members pledged themselves to co-operate in the universal and effective observance of human rights. That pledge meant that those carrying out the mandate of the Commission, such as Mr. Mazilu, should be given safe passage; that investigators should be allowed to visit countries without being stopped at the frontier, as the

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Special Rapporteur for Afghanistan had been; and that those who had had the courage to co-operate with the Commission's emissaries should not suffer reprisals, as they had in Cuba.

9. Promoting human rights meant more than just mouthing fine phrases: active and specific initiatives were required. Names must sometimes be named in order to condemn those States where torture, deprivation of liberty and maltreatment were regular practices. For 40 years, the United Nations had considered, commented on and, if necessary, condemned specific human rights abuses. No country was exempt: the reason why the Commission had been able to adopt so many resolutions on, for example, Chile, South Africa and Israel was that observance of the Universal Declaration of Human Rights was a common objective shared by all without exception.

10. Anyone who wished to recant that pledge was arguing, hypocritically, that human rights inquiry procedures violated the principle of non-interference in internal affairs set out in the Charter. Even if that argument had had some currency 40 years previously, it had now become inadmissible. The Soviet authorities had understood as much when they had said, at the Conference on Security and Co-operation in Europe in June 1989, that it had become completely untenable to maintain that human rights were a matter of internal law alone.

11. The Universal Declaration of Human Rights represented a set of objectives reflecting the aspirations of humankind, they were an ideal of equity and justice towards which society must strive. In that respect, while the Universal Declaration did not carry the force of law, it did have enough moral authority for States, organizations and peoples to demand that it should be observed. The standards proclaimed in the Universal Declaration, which were common values for all people, must be neither diluted nor compromised. Not every Government could attain the objectives of the Universal Declaration overnight; nor was there any one way for them to do so. The methods for calling offenders to account must also be suited to the circumstances, but first and foremost there must always be a single standard for all. Principles could indeed change conduct, as the Government of the United States had realized through painful experience in the 1960s, when racial discrimination authorized by law had still been practised in that country. The United States delegation had been constantly summoned to explain itself both to the Commission and to the Sub-Commission. The United States Government had never tried to shun or stifle criticism or to dismiss the accusations against it. The whole world knew the truth, and the United States, impelled by international and national pressure, had looked again and made the necessary changes.

12. It was always possible, or even expedient, to dilute or discard principles and adjust the standard to the behaviour rather than the behaviour to the standard. However, whatever one did, the principles set out in the Universal Declaration of Human Rights would remain unchanged: to drift away from them would be to traduce the hope and trust humanity had in them, and to compromise with how they were applied would be mere politics.

13. The Government of the United States had very recently issued a report on the world human rights situation in 1990; in that report, names were named and human rights violations and trends were listed for all countries, whether

friends or foes of the United States. The report showed the attachment of the people, Congress and President of the United States to the principles that country attempted to observe, which drew their inspiration from the Charter of the United Nations, Universal Declaration of Human Rights and the work of the Commission. The Government of the United States had nothing to gain by publishing such a report and claimed no monopoly on it. Rather, the United States would be happy for similar independent reports to be prepared by other countries.

14. Mrs. EKONG (Nigeria) said that Nigeria considered rationalizing the work of the Commission to be a task of particular importance given the fundamental changes which had recently occurred in international politics. People sometimes tended to forget that the means were as important as the ends and that the results obtained depended on the means used. The moment had come for the Commission to take stock of its working methods with a view to adapting to change. A number of improvements could be made: for example, the agenda should not be overloaded. An assessment should also be made of whether it was necessary to keep less pressing items on the agenda and whether some issues should be examined only every two or three years.

15. The special rapporteur mechanism could also be improved and strengthened by increasing the number of rapporteurs per country and per theme, subject to negotiation. Rapporteurs should obviously be specialists in the field allocated to them. Their mandates should not exceed two years, with the possibility of renewal.

16. Nigeria also recommended that the Centre for Human Rights should have its staffing resources increased, with a consequent increase in its funding, as its responsibilities continued to grow. Within that staffing increase, representation of under-represented countries and regions should be improved.

17. The Commission should avoid politicization of its discussion, which damaged its credibility. It was more than ever necessary to demonstrate impartiality, as the best guarantor of the Commission's effectiveness was the sanction of international public opinion. Any attempt to politicize the Commission's work or to treat some countries selectively could only harm the work of the Commission. The Commission could discharge its responsibilities fully and objectively only if it abided by a rigorous and impartial set of criteria.

18. Her delegation, convinced that economic, social and cultural rights and civil and political rights were indivisible and interdependent, urged the Commission to take account in future of the particular problems of underdevelopment which lay at the root of many human rights violations. There should be no misapprehension concerning the very particular problems hindering the efforts of the developing countries to ensure that their populations could exercise their economic, social and cultural rights fully. The Commission should pay greater attention to debt, disease, infant mortality, illiteracy and declining disposable incomes, which were major obstacles to individual freedom.

19. The rights of the individual must remain at the centre of the Commission's concerns and any violation should be vigorously condemned in all cases. Nevertheless, Nigeria was convinced that situations of mass and

flagrant human rights violations deserved priority attention: that was so for apartheid, racial discrimination, colonialism, foreign domination and occupation, religious intolerance, organized terror and mercenary intervention. There could be no talk of rationalizing the work of the Commission and of the necessary strengthening of the effectiveness of that work without bringing up the issue of expanding its membership. Nigeria favoured such a step which, by extending the reach of the Commission, would help promote observance of human rights everywhere in the world; Nigeria would not fail to say so at the forthcoming session of the Economic and Social Council, which was the only body competent to take a decision on the issue.

20. Nigeria had welcomed resolution 44/156, in which the General Assembly had proposed that a world conference on human rights should be held. A conference of that kind would give the international community an opportunity to take stock of its successes and failures, and of the obstacles which remained. It could also define and decree what the strategies for the future were to be by drawing on the groundswell in favour of human rights which had recently made its appearance. A conference could not fail to assist the Commission in its efforts to rationalize its work and strengthen its effectiveness.

21. She had read with satisfaction the note by the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1990/19) and, specifically, on the World Public Information Campaign for Human Rights. In that respect, she paid a tribute to the Centre for Human Rights for its constant and energetic efforts in favour of human rights and basic freedoms. She nevertheless urged that there should be greater efforts at co-ordination on human rights issues within the United Nations system. The World Campaign might thus be expanded through greater participation by the United Nations Department of Public Information and the United Nations information centres.

22. The promotion, protection and enjoyment of human rights would be severely compromised without the monitoring activities of most non-governmental organizations. The relationships between Member States, the Commission and the non-governmental organizations should therefore be developed and the dialogue between the non-governmental organizations and the Commission should be nurtured.

23. In the belief that regional institutions and arrangements made a major contribution to strengthening the protection of human rights, Nigeria had in recent years worked, within the Organization of African Unity (OAU) to establish a common human rights standard for Africa. That effort had culminated, in June 1989, in the establishment of the African Commission on Human and Peoples' Rights pursuant to the African Charter on Human and Peoples' Rights of the OAU. Nigeria expected that the Centre for Human Rights would provide the African Commission, of which it was a member, with continuing support and assistance in the area of advisory services, and hoped that an institutionalized consultative mechanism could be established between the African Commission on Human and Peoples' Rights and the regional arrangements in Asia, the Americas and Europe.

24. Nigeria reaffirmed that it was the duty of the State to create the necessary conditions for individual liberties. The Nigerian Constitution thus provided adequate guarantees of such basic rights as the right to life, to the

dignity of the human person, to personal liberty, to a fair hearing, to privacy, to freedom of thought, conscience and religion, to freedom of expression and peaceful assembly and association, and to freedom of movement and freedom from discrimination. Occasional violations met with prompt intervention by the competent authorities. The judiciary was independent of the executive, and judicial rulings frequently went against the Government. The country had established a legal aid scheme in 1973. Nigeria did currently have a military régime, but the commitment the régime had made to protect human rights was sincere and irrevocable. In fact, the Government had put in place an irreversible programme of return to civil, democratic rule by 1992.

25. She paid a tribute to the Commission, whose work in the field of human rights protection was not unconnected with the wave of observance of basic freedoms and democracy sweeping the world. Obstacles continued, however, to exist, and there was still much to be done to ensure safety, economic well-being, social progress and life in larger freedom.

26. Mr. GUISSE (Senegal) said that above and beyond the need to ensure a favourable and credible follow-up to the decisions of the Commission on Human Rights, the importance of the inputs from the regional organizations and arrangements responsible for promoting the observance of human rights in the various parts of the world should be stressed. In that context, the African Charter on Human and Peoples' Rights was particularly important. Ratification of that Charter, which had entered into force on 22 October 1986, had been massive, reflecting the will of the African authorities to establish the rule of law in Africa.

27. African customary law was in general group law, in the sense that it applied to microsocieties and considered individuals in their relationships with their peers. Nevertheless, the attempt was to reach the individual through the group, whence the appearance of an individualistic notion of law in which the individual was considered as possessing natural, inalienable and sacred rights.

28. African law was also a humanistic law which considered individuals in their totality and as vital elements in society, so taking the ethical specificities of Africa into account. The African Charter also recognized and guaranteed the equality of peoples in dignity and in rights, their right to existence and self-determination, the right freely to dispose of their wealth and natural resources, their right to economic, social and cultural development, their right to peace and security and their right to a satisfactory environment. It also listed the duties of the individual, which were to preserve the harmonious development of the family, to respect his parents and maintain them in case of need, to serve his national community, to preserve and strengthen positive African cultural values in the spirit of tolerance, dialogue and consultation, to contribute to the promotion of the moral well-being of society and to promote the achievement of African unity.

29. The implementation of the legal standards promulgated in the African Charter and in the international legal instruments to which it had regard had been reflected in the accession by the African States, when they achieved national sovereignty, to the Charter of the United Nations and the Universal Declaration of Human Rights and by the development of constitutions which had

been greatly influenced by international law. The provisions of those instruments could be invoked in court or serve as the legal basis for a judicial decision.

30. In Senegal's particular case, the Fundamental Law prohibited any form of discrimination both towards political groupings and towards individuals; such practices had been made crimes by organic laws.

31. At the international level, an African Commission on Human and Peoples' Rights had been set up under the African Charter on Human and Peoples' Rights; the Commission's mandate was to collect documents and undertake studies and research on African problems, to organize meetings and disseminate information, to assist in formulating legislative texts aimed at solving legal problems relating to human rights and to co-operate with other institutions concerned with the promotion and protection of human rights. The Commission was also competent to interpret any provision of the Charter. Submissions could be made to it by States as well as by individuals, non-governmental organizations or private groups. Whether that could be done depended on express recognition of the Commission's jurisdiction by the State involved. The principles the Commission could apply were those contained in the African Charter and also those set out in other international human rights instruments such as the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants. The Commission reported to the Assembly of Heads of State and Government, and could include recommendations in its reports. The reports were, however, not always circulated, and the lack of an African human rights court, which would have given expression to the genuine desire to guarantee and protect human rights, was also to be regretted.

32. He urged the United Nations to continue providing the developing countries with advisory services in order to promote the implementation there of international human rights standards, and requested it to promote human rights teaching not only in general education establishments but also in training institutions, for example, police and prison administration schools, magistrates' colleges and military academies. In that connection, he thanked those developed countries which had taken initiatives to assist governmental and non-governmental organizations working to advance human rights.

33. Mr. GUOX IANG Fan (China), referring to a number of statements which had been made in the Commission and other forums to the effect that human rights were absolute and that the principle of non-interference in the internal affairs of other States was not applicable to the human rights field, said that China's position in that respect was that there could be no absolute human rights. The principle that every right carried obligations and restrictions was not only recognized in the internal legislation of States, it was also accepted universally in practice. The rights of the individual were limited by, among other things, conditions in the country concerned and its level of economic development. Each State had its own history, social customs, cultural traditions and ideology. Each State had the right freely to establish the rights and obligations of its people. That prerogative was a matter of national sovereignty, and to judge the human rights situation in other countries using a particular model or to force other countries to accept certain values as though they were standard constituted a violation of the principles guiding international relations.

34. The concept of human rights was also not a static one; it was continuously developing and becoming richer as society progressed. For that reason, human rights were no longer restricted to civil and political rights but also included economic, social and cultural rights, and collective rights such as the right to development or to self-determination.

35. As a basic norm of international law, the principle of non-interference in the internal affairs of States applied to every field of international relations. History since the Second World War had been sufficient testimony to the importance of non-interference in maintaining world peace, stability and development. The non-interference principle was universal and no exception could be made. To derogate from it would be to set a very dangerous precedent.

36. Whether the principle of non-interference was applicable in the field of human rights was in essence a question of whether the principle of State sovereignty was applicable there also. In international law, sovereignty was the most important attribute of a State, with the result that the realization and protection of human rights could not exclude the principle of sovereignty. China and other developing countries had had bitter experience that such was the case: while imperialism, colonialism and hegemonism had reigned untrammelled, the principle that "men are born equal" had been meaningless for the oppressed populations under foreign domination. The United Nations, which was composed of independent, equal States, must not be manipulated into intervening in matters which fell within the domestic jurisdictions of its Member States. To say that that was the case was not tantamount to stripping the United Nations of its role in the human rights field. In fact, the Organization's activities in all fields must, according to the Charter of the United Nations, be based on the principle of international co-operation. In the human rights field, every Member State had the duty and the obligation to base its actions on equality, mutual respect and mutual understanding rather than on accusations, slanders and partisan pressure or on interference in the internal affairs of other States. What States which set themselves up as models in order to impose their own views on others were doing was the reverse of international co-operation.

37. In the matter of improving the way the Commission worked, China was of the opinion that the Commission's priority role should consist, in accordance with General Assembly resolution 32/130, in considering mass and flagrant violations of human rights. Every year, the work of the Commission took place in a climate of intense confrontation between conflicting political groups and opposing ideologies. It had become common to use the human rights argument as a stick to beat other States or to punish the allies of the other side. Human rights had become a pawn in political struggles and the truth had been distorted, human rights standards had been misrepresented, the sovereignty and dignity of many developing countries had been jeopardized and a number of purely humanitarian issues had become highly politicized. If it were truly to play its constructive role in promoting human rights, the Commission must reverse that unhealthy tendency and, in particular, must change the existing procedures for considering matters under agenda item 12 so that the various Member States could inform the Commission of their problems, initiatives and achievements in the human rights field and, if necessary, express their views on problems which existed throughout the world.

38. The Commission should also accord equal importance to civil and political rights on the one hand and economic, social and cultural rights on the other, as the two categories were interdependent, indivisible and complementary. There was a disturbing trend in the work of the Commission that instead of paying equal attention to all the universally recognized human rights and fundamental freedoms, some parties gave greater weight to only a fraction of them. In a world where the developing countries were demanding changes in the unfair and irrational international political and economic order, it would be unjust merely to accuse them of alleged human rights violations while ignoring their economic, social and cultural development.

39. Mrs. GONZALEZ MARTINEZ (Mexico) said that several institutions had recently been set up in Mexico to act as mediators between civil society and the State, particularly in respect of human rights matters. Thus, both Oaxaca and Guerrero States, which had large indigenous communities, had recently established bodies to protect the rights of those communities. Aguascalientes state had set up a body to act as an ombudsman, while Mexico City had established an Office of the Social Counsel.

40. Mexico was persuaded that if the Commission was to go on increasing its authority and the effectiveness of the mechanisms it had set up, it should abide scrupulously by the terms of reference it had been given and demonstrate objectivity and realism. The Commission should further rationalize its work, not in a technocratic sense, but by drawing on its long experience and by taking into account changes in the subjects on its agenda, the interdependence of all human rights and, as stressed in General Assembly resolution 32/130, the overall context of the differing environments in which human rights issues had their place.

41. Mexico found it disturbing that human rights violations should sometimes be considered a feature of the third world. Such a North-South dichotomy was unacceptable. To be effective, the Commission should consider violations in all parts of the world, irrespective of the geographical, economic or political situation of the countries concerned.

42. In formulating its opinions, the Commission should always bear in mind the Proclamation of Teheran, which stated that lasting progress in the implementation of human rights was dependent upon sound and effective national and international policies of economic and social development.

43. To cope with the Commission's increasing workload, areas where the powers or activities of the various bodies in the international human rights system overlapped must be identified. For example, when standards were set, there should be fruitful co-operation between the universal and the regional bodies through suitable exchanges of information.

44. If the many documents submitted to the Commission were translated into all the official languages, the Commission would be able to make better use of the limited time at its disposal and the quality of its discussions would be improved. In that respect Mexico regretted that not all the regional groups had been able to express their views on the very important draft declaration on enforced or involuntary disappearances.

45. Given the complexity of the Commission's work, the diversity of the subjects covered and the pluralism which must characterize its discussions, it was for the moment extremely difficult to give the Commission's Bureau any fresh tasks which it would have to carry out between sessions in exceptional circumstances. Any proposal in that respect would have to take into account the experience of other United Nations bodies.

46. Mexico welcomed the contribution of the non-governmental organizations to the work of the Commission and was pleased to see more and more of them submitting joint statements.

47. In respect of the World Public Information Campaign for Human Rights, he informed the Commission that the Mexican Government had published the text of the Declaration of the Rights of Man and of the Citizen to mark the two hundredth anniversary of that Declaration and had transmitted it to the United Nations. In conclusion, he said that Mexico would like the report of the Seminar on cultural dialogue between the countries of origin and the host countries of migrant workers to be circulated.

48. Mr. STEEL (United Kingdom) said that he had been struck, at the meetings of the Working Group responsible for considering ways of improving the effectiveness of the Commission's work which he had attended, both by the extent of the common ground there had been about what the defects and malfunctions were and by the variety of cures which had been proposed. Everyone agreed that changes must be made but also that they must be the result of a genuine consensus.

49. Without wishing in any way to prejudice the conclusions of the Working Group, he would like to suggest a number of measures to improve the work of the Commission.

50. Firstly, the excessively overloaded agenda must be pruned and rationalized through a rigorous selection of any new items without giving way to issues that were the "flavour of the month" and without seeking to accommodate any particular country.

51. Issues which had points in common should be grouped together to avoid overlapping and repetition, and some issues should continue to be dealt with only in alternate years.

52. It was unthinkable that there should be no mechanism to deal with organizational matters and, most importantly, human rights matters which arose between sessions and did not fall within the terms of reference of a Working Group or Special Rapporteur. He fully expected that the Working Group would develop specific proposals to redress that serious flaw.

53. Some delegations criticized non-governmental organizations for being repetitious, lacking concision and objectivity or being over-emotional or insufficiently restrained in their language. He invited any delegation which had never left itself open to any of those criticisms to cast the first stone. The United Kingdom could in no case tolerate using the shortcomings of some non-governmental organizations as an argument for imposing any form of censorship, as the Commission's credibility and effectiveness would be very seriously jeopardized thereby.

54. Mr. BENEDETTI (Italy) said that the Secretary-General's note (E/CN.4/1990/19) contained useful and interesting information on activities under the World Public Information Campaign for Human Rights, one of the most recent efforts of the United Nations for promoting the general objectives it had set itself in the human rights field. The task was not an easy one, but the results thus far had been encouraging.

55. Nevertheless, he stressed that those activities were not the responsibility of the United Nations alone. All member countries should participate actively in it with a view to achieving the objectives of the world-wide education effort. All means must be deployed to reach that goal, and it was evident that selective use of the media and of audio-visual techniques was a particularly promising approach. Italy gave its unqualified support to the programme of activities planned under the World Campaign; however, some of the initiatives which had already been taken, such as seminars and workshops and some of the advisory services activities, were likely to overlap. Each activity should thus be tailored to the precise objective which was to be achieved without necessarily trying to do two things at once, in order to avoid any confusion.

56. Although it was not easy to set priorities in the field of public information, Italy took the view that particular attention should be given to informing and educating young people and students, not only because they were the promise of the future but also because they were intellectually and emotionally the most receptive to the human rights message. Italy therefore commended the holding of a meeting, co-sponsored by UNESCO and with the participation of academic and research specialists, with a view to developing a model human rights teaching programme at university level. Italy also commended the holding of a workshop in which representatives of media organizations from all over the world would take part in order to discuss the contribution the media could make to the World Information Campaign. The Campaign would not be effective unless there was real co-operation and co-ordination between the Centre for Human Rights and the Department of Public Information. Italy would encourage any effort or initiative to increase the degree of complementarity between the two bodies. In that respect, it deeply regretted the enormous gap between the budget of the Department of Public Information and the resources allocated to the Centre to finance human rights information activities. It was not to be doubted that the Department of Public Information managed and allocated the considerable resources it had at its disposal for human rights activities in a proper manner, but it would be desirable for the Secretariat to provide fuller information in that respect. Greater co-operation between the Department of Public Information and the Centre for Human Rights would make for a better distribution of the available resources between the two bodies; those resources did not, at first sight, seem to be scarce.

57. The information in the final part of the Secretary-General's note, however interesting it might be, did not provide an in-depth analysis of the impact of World Campaign activities. It would therefore be useful for the assessment process to be continued and for the results to be reflected in the report to be submitted to the Commission at its next session.

58. Mr. BOSSUYT (Belgium) said that his delegation was increasingly concerned by the steady deterioration in the Commission's working conditions resulting from the continuous increase in the number of participants and in the number of items on the agenda. Also, the increasing number of contacts between participants, in meetings of informal working groups, which in itself was a welcome development that should even be encouraged, was reflected in practice by declining attendance on the part of most delegations at the Commission's plenary meetings, leading to a dialogue of the deaf. The problem was exacerbated by holding an excessive number of night meetings, which many participants could not attend as they were already engaged in meetings of the multitudinous formal or informal working groups. The Centre for Human Rights for its part was having trouble coping with all the many and varied demands made of it as it had never been strengthened due to the pressure from some States which were afraid that the United Nations might look into their human rights situation and were now the prime losers from the shortcomings and loopholes in the system.

59. The overloaded agenda, or to be more precise, the short time available to the Commission to deal properly with the various items before it and to consider draft resolutions which might command a broad consensus and also promote favourable developments, was doubtless the most serious problem. Belgium thus took the view that the agenda should be reduced in some way or other. Rationalizing it in a logical manner, without attempting to impose any specific policy, would be a first step in the right direction. Another solution would be to set up an intersessional mechanism to consider some of the items on the agenda or, at the least, to prepare proposals to optimize the use made of the time available. The Commission had, for example, wasted a great deal of time in setting up an informal working group on item 11 of the agenda, with the result that it had little time left to formulate acceptable proposals even although discussions in the smaller group had suggested that it might be possible to do so.

60. There had been various proposals aimed at improving the Commission's effectiveness. Everybody agreed that politicization of any kind must be avoided and that there should be no selectivity. The opinion of his delegation was that strengthening the system of thematic studies, which concentrated attention not on a particular country but on a particular type of human rights violation, would be a means of achieving that goal. Results would be obtained by bolstering the independence of the Rapporteurs responsible for such studies, inter alia by lengthening their mandates, rather than by planning to replace them by members of diplomatic missions in Geneva. All proposals made must be considered with reference to the task the Commission had been set, namely, to come to the assistance of people whose rights had been violated and not to the assistance of the Governments violating those rights.

61. The commission should continue to progress, and should not go back on some of the successes of the last few years, which were amongst the most positive achievements of the United Nations.

62. Mr. ASSOUMA (Observer for Togo) said, with reference to item 11 (b) of the agenda, that pursuant to General Assembly resolution 34/49 a national human rights commission had been set up in Togo in 1988. The second annual report of that commission detailed the various activities it had carried out as part of its dual mission to protect and to promote human rights.

63. In respect of human rights protection, the commission had received 183 petitions, 60 of which had been deemed inadmissible. The petitions had been divided into 11 categories, ranging from allegations of improper detention to allegations of interference with freedom of religion or breach of civil service regulations, not forgetting accusations of administrative inaction.

64. The commission had also set out to prevent human rights violations, for example, by organizing round-tables and holding training courses for Government employees, and law enforcement officials in particular, in order to make them aware of the provisions governing how they did their work and to assist them in carrying it out without violating human rights. In 1989, the commission had also visited prisons and other places of detention in Togo to look into living conditions behind bars and to suggest possible improvements to the authorities. It had submitted to the Government a draft law which would penalize law enforcement officials who practised torture, in line with the provisions of article 10 of the Convention against Torture, which Togo had ratified.

65. The commission had set up public education and information campaigns to make all Togolese aware of their rights and also of their duties. As part of the campaign, it had organized six round-tables on various subjects, such as traditions and human rights and the Declaration of the Rights of Man and of the Citizen of 1789 to mark the two hundredth anniversary of the French Revolution. Members of the commission had travelled around various parts of the country in October in order to raise public awareness of those issues.

66. The Togolese human rights commission would continue its multifarious activities for human rights promotion and protection through continuous adaptation to spiritual and mental development so that the rule of law could triumph.

67. Mr. DUSEK (Observer for Czechoslovakia) said that there were few people who cast doubt on the usefulness of the standards concerning human rights and fundamental freedoms which the United Nations had worked out during a period of over 40 years. The adoption, by a very large majority, of the Convention on the Rights of the Child at the previous session of the General Assembly was proof of that fact. Nevertheless, the truth was that human rights violations had not ceased and were even increasing in several parts of the world. The Commission should therefore continue its setting of standards, and the mechanism for implementing those standards should be developed and made more effective. The Commission should thenceforward orient its efforts in that direction.

68. The Commission had arrived at a consensus on some points, views were close on others, while on other matters - the majority - positions differed. In some situations, confrontation had given way to constructive co-operation, mutual comprehension and accord, and in that respect Czechoslovakia commended the Special Rapporteurs, the Special Representatives and the working groups of the Commission for their constant efforts to solve problems which were often difficult. Developments in the human rights situation were also related to the positive changes at the international level, which had created

the favourable conditions needed for the many issues surrounding the implementation of the United Nations human rights programme to be considered at a world human rights conference, which had been proposed at the previous session of the General Assembly. Czechoslovakia was in favour of a conference of that kind, which might also consider a number of proposals put forward in previous discussions, such as the creation of a post of High Commissioner for Human Rights.

69. Czechoslovakia doubted whether enlarging the membership of the Commission would be effective if the step were taken in haste and without preparation; priority should be given to rationalizing the work of the Commission.

70. If human rights standards were to be applied, it was vital for everyone to be made aware that such standards existed and to realize what his rights were and what means were available to protect them. The World Public Information Campaign for Human Rights had had extremely positive effects in that respect and activities under the campaign should be continued. Czechoslovakia believed that additional resources should be allocated to those activities, and that the proportion of the United Nations budget allocated to human rights was inadequate.

71. Education and training were also integral parts of public information activities. In that respect, the national institutions and non-governmental organizations dealing with human rights promotion and protection played an irreplaceable role at the national level. In Czechoslovakia, the Committee of the Czechoslovak Public for Human Rights and Humanitarian Co-operation, the Czechoslovak Helsinki Committee and the Committee for the Defence of the Unjustly Prosecuted helped to increase public knowledge of human rights.

72. Czechoslovakia stressed the importance of the human rights advisory services provided by the United Nations. Czechoslovakia was seriously considering using those services to develop a programme of human rights training courses in its school system. At the same time, projects concerning exchanges of experience in regard to the implementation of international standards in the national legal system and in practice were being prepared.

73. Mr. RAFFRAY (United Nations Educational, Scientific and Cultural Organization) said that human rights protection was one of UNESCO's highest priorities, and that it had from the outset undertaken numerous activities in its field of competence to achieve that goal. The General Conference of UNESCO had adopted a number of standard-setting instruments in respect of human rights and had worked out procedures to monitor how they were applied. In general terms, UNESCO wanted to create a true human rights culture.

74. In the matter of human rights teaching, he recalled that the Commission had on several occasions requested UNESCO to intensify its activities in that area, which was natural given UNESCO's role. As early as 1951, UNESCO had published a teaching aid entitled "The Universal Declaration of Human Rights: A Guide for Teachers". In 1974, the General Conference had adopted the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, which called upon all member States to take steps to ensure that the principles of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination became an integral part of the developing personality of each

child, young person or adult. In 1985, the General Conference had decided to set up a permanent system of national reports on the implementation of the Recommendation. A first synthesis of those reports had been submitted to it in 1989. He referred also to UNESCO's activities in preparing manuals and curricula and in organizing training courses for police and military personnel and journalists; the UNESCO Prize for the Teaching of Human Rights, which had been set up in 1978; and the bulletin Human Rights Teaching, which it published. UNESCO could nevertheless do even more, for example, in collaboration with the Centre for Human Rights. With that in view, he wondered what had come of the proposals to prepare a convention on the teaching of human rights and proclaim a decade for the teaching of human rights.

75. Academic freedoms were another important aspect of human rights. In 1966, UNESCO had adopted a Recommendation on the Status of Teachers, with a Recommendation on the Status of Scientific Researchers following in 1974. A number of non-governmental organizations had also concerned themselves with the issue: for example, the International Council of Scientific Unions had adopted a Charter for Scientists, and the World Federation of Scientific Workers had adopted a Declaration on the Rights of Scientific Workers in 1969. He stressed that, in addition to freedom of thought, conscience, religion and assembly, for example, academics should also enjoy freedom of research, the right to publish and the right to teach. The present climate favoured consideration of those issues, as shown by the useful contribution from the international seminar on factors and conditions conducive to academic freedoms organized by the World University Service in co-operation with UNESCO in May 1989.

76. With reference to the co-ordinating role of the Centre for Human Rights, he stressed that UNESCO, which regarded that role as essential, was of the view that the Centre carried it out with competence and dynamism; it particularly welcomed the programme of publications and advisory services. The Centre regularly organized consultations between United Nations bodies dealing with different aspects of human rights; he welcomed the spirit of co-operation which was developing between those bodies under the leadership of Mr. Martenson, Under-Secretary-General for Human Rights.

77. Mrs. Regazzoli (Argentina) took the Chair.

78. Mr. MOKADDEM (Observer for Tunisia) said that on its independence, Tunisia had ratified the Universal Declaration of Human Rights and had included in its Constitution principles inspired by it; by doing so, Tunisia had thereafter been able to ratify almost all the treaties and conventions of the United Nations in that field. Quite recently it had ratified the United Nations Convention against Torture and the International Convention against Apartheid in Sports; the procedure required for signing the Convention on the Rights of the Child was under way. In addition, a number of codes were being revised in order to provide a better response to the aspirations of Tunisian society. Representatives of civil society were closely associated with that effort, and the Tunisian Human Rights League had been consulted on a number of major texts, for example, the National Covenant.

79. Strengthening the observance of human rights in Tunisia was being further promoted by the Tunisian Association for the Defence of Human Rights and Public Liberties and by a section of Amnesty International which had just been opened in Tunis. Tunisia was also the seat of the Arab Human Rights Institute, which had been set up in 1989. One member of the Executive Board of the Institute was a representative of the Centre for Human Rights, which was engaged in developing co-operation programmes to disseminate United Nations human rights texts in the Arab world. Attention should also be drawn to the expansion of the Tunisian Economic and Social Council and the fact that the Constitutional Council, whose financial and administrative autonomy would be guaranteed by law, gave its opinion on draft laws affecting human rights which were to be submitted to the Chamber of Deputies. Generally speaking, the ongoing changes in Tunisia favoured the consolidation of democracy and the maintenance of legality.

80. Tunisia was intensifying its co-operation with the Centre for Human Rights, often providing it, on a consultative basis, with information and observations pursuant to resolutions by human rights protection bodies. Tunisia supported the efforts of the Centre in holding national or regional seminars and also the Centre's technical assistance and advisory service activities.

81. Tunisia was of the opinion that improvements in the Commission's working methods should have maximum impartiality as their guiding principle. The agenda should be rationalized, taking into account the priority which should be given to major issues and of the time to be devoted to them. It was also essential to avoid overlapping between the Commission and the Sub-Commission. To extend the length of sessions to more than six weeks did not seem beneficial; it would be preferable to make better use of the available time by observing allocated speaking times and computerizing voting procedures.

82. Tunisia believed that strengthening the co-ordinating role of the Centre for Human Rights would entail increasing staffing levels, on the basis of equitable geographical distribution, and without overlooking the countries, particularly, which were under-represented or not represented at all.

83. Mr. SAADALLAH (Observer for Egypt), referring to item 11 (a) of the agenda, said that it was essential for the functioning of the Commission to be improved in accordance with General Assembly resolution 44/167 of 15 December 1989. Egypt had, for its part, participated actively in the process under way to implement that resolution. Egypt had taken part in the open-ended working group to consider the issue, and welcomed the fact that there had been agreement on a number of principles. Work should, however, be continued so that a consensus could be reached on a number of specific proposals.

84. Rationalizing the Commission's agenda should reflect the priorities agreed for issues and objectives. The country Rapporteurs appointed should be selected for their knowledge of the countries and situations in point. The proposal for an intersessional mechanism should be studied carefully and further developed in close consultations. Precedents for such a mechanism were to be found in other United Nations bodies, such as the General Assembly; in respect of the Commission, however, a number of questions arose: was such

a mechanism necessary, given that other human rights bodies met the year round? What would be the financial implications? Could developing countries be represented given that almost half the African States had no permanent representation in Geneva?

85. In respect of an enhanced role for the Bureau, Egypt wondered whether the Bureau should be enabled to take up political positions or to make statements on behalf of the Commission without consulting its members. Egypt recognized that in the Commission, even if there was often agreement on ends, there was also often some divergence as to means, and protracted negotiations were therefore often necessary. The question of whether the members of the Commission were prepared to delegate their power of discretion to the Bureau was therefore a legitimate one.

86. Egypt was in favour of strengthening the mechanism of thematic Special Rapporteurs which had been established by the Commission; that mechanism should be given all the necessary assistance. The term of office of the Special Rapporteurs should not, however, exceed two years.

87. Referring to the arrangements for consultation with non-governmental organizations set out in resolution 1296 (XLIV) of the Economic and Social Council, he expressed his delegations's opposition to any attempt to curtail the independence of such organizations. Nevertheless, it deemed it appropriate for the Commission to devise a mechanism to bring to the attention of the Council Committee on Non-governmental Organizations any complaints concerning non-compliance by non-governmental organizations with the principles and conditions specified in the resolution concerned.

88. Egypt requested greater financial resources for the Centre for Human Rights and stressed the need to strengthen the advisory services to developing countries and to institute close co-operation between the Centre and the regional human rights institutions in the developing world.

The summary record of the second part of the meeting appears as document E/CN.4/1990/SR.50/Add.1.